

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(Attorney Docket № 14305US02)**

In the Application of:  
Jeyhan Karaoguz, et al.

**Electronically filed on 23-JUN-2008**

Serial No. 10/675,489

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR MEDIA  
EXCHANGE NETWORK WITH  
SERVICE USER INTERFACE

Examiner: Patrick A. Ryan

Group Art Unit: 2623

Confirmation No. 6006

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application, stated in the final Office Action mailed on February 21, 2008 (hereinafter, the Final Office Action) **with a period of reply through June 23, 2008, pursuant to the attached Petition for One Month Extension of Time.** The Applicant also requests review of the arguments stated on page 2 of the Advisory Office Action mailed on May 13, 2008 (hereinafter, the Advisory Office Action). No amendments are being filed with this request.

This request is being filed with a Notice of Appeal. The review is being requested for the reasons stated on the attached sheets.

### REMARKS

The present application includes pending claims 1-31, all of which have been rejected. Claims 21 and 26 have been amended for clarification. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1, 11, and 21 are rejected under 35 U.S.C. § 112. Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Proehl et al. (US Patent 6,990,676 81), hereinafter Proehl. The Applicant respectfully traverses these rejections at least based on the following remarks.

#### **I. Examiner's "Response to Arguments" Section**

The Examiner states the following in the "Response to Arguments" section of the Final Office Action:

The Examiner respectfully disagrees with Applicant's arguments, because a TV receiver is inherently a reception device, and therefore must be receiving an input from an external source (external to the receiver). In addition, it is noted that Proehl's TV receiver is element 14 and that element 12 is integrated DSS/WebTV receiver (Proehl Col. 4 Lines 17-19). The Examiner interprets the TV receiver 14 and the DSS/WEBTV Receiver 12 to be contained at the user's location. Proehl discloses three external (to the user location) sources of information connected to integrated DSSIWebTV Receiver 12: digital satellite system (DSS) antenna 20, Internet service provider 24, and local programming station 28 (as shown in Proehl Fig. 1).

Proehl provides the following example in reference to scrolling ticker region 566: "ticker region 566 may display a message that states that an upcoming football game will be shown on channel 4 at 2 pm on Nov. 24, 1999" (Proehl Col. 12 Lines 18-20). The football game would be broadcast by satellite to DSS antenna 20 or by local programming station 26 and the broadcaster (not the user) would have control over when the program is to be displayed. Therefore, **Proehl's ticker message would have to be generated at the program source and not at the user's location because the broadcaster is in control of the content the user receives.** (emphasis added)

See the Final Office Action at pages 8-9. The Examiner also make similar arguments in page 2 of the Advisory Office Action.

The Applicant respectfully disagrees with the above bolded argument. Initially, the Applicant points out that Proehl's element 14 is a remote control, and element 16 is the TV. The Examiner is referred to FIGS. 7 and 9 of Proehl, which illustrate details of the Home screen 550 of the Graphical User Interface (GUI). **As clearly explained by Proehl, the GUI performs all of the functionalities of the Home screen 550.** More specifically, referring to FIG. 2C of Proehl, the video processors 272, 274, as well as the graphics engine 276, all transmit decimated or unprocessed video signal to the blending function 278 of the processing element 202 within the receiver 12. Furthermore, Proehl

discloses that **the blending function 278 is a software program stored in memory and is used to integrate the received signals in a form that can be displayed on the TV 16. The blending function 278 is executed only at the request of a user. In other words, if a user is merely watching a TV show, the blending function 278 and the decimating procedure are not executed. However, if the user requests a GUI (e.g., by pressing the “HOME” key 308 and triggering Home screen 550 functionalities), both the blending function and the decimation process may be executed.** See Proehl at FIG. 2C and col. 9, lines 8-28. Therefore, **all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user’s location and at the users request (by pressing the “HOME” key 308).** The Applicant maintains therefore that Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user’s home, an announcement,” as recited by the Applicant in independent claim 1.

The Examiner also states the following in the “Response to Arguments” section of the Final Office Action:

The generation of a message in scrolling ticker region 566 is dependent upon the source (satellite, local broadcast, ect.) that transmits the message to the user, not the user input, therefore the broadcast source causes the message to be displayed to the user (not the user's pressing of the "Home" Key 308). In addition, picture-in-picture (PIP) region 569 allows the user to watch a broadcast program while in the GUI Home screen 550, therefore it is possible for a user to watch a program and (without input) have a message displayed in scrolling ticker region 566, which pertains to the program currently being viewed.

See the Final Office Action at page 9. The Applicant respectfully disagrees. As clearly explained above, all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user’s location and at the users request. **The Applicant would also like to emphasize the fact that all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are exclusively available and triggered only if the user has pressed the “HOME” key 308 on the remote control 14. Therefore, it is not possible for a user to watch a program and (without input) have a message displayed in scrolling ticker region 566, since the scrolling ticker and the PIP region will not be available if the user has not provided an input by pressing the “HOME” key on the remote control 14.**

The Applicant maintains that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1.

The Applicant maintains all arguments stated in the January 3, 2008 response.

**REJECTION UNDER 35 U.S.C. § 102****II. Proehl Does Not Anticipate Claims 1-31**

The Applicant turns to the rejection of claims 1-31 under 35 U.S.C. 102(e) as being anticipated by Proehl.

**A. Rejection of Independent Claims 1, 11, and 21**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user’s home, an announcement,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

In reference to Claim 1, Proehl teaches a method for providing information related to a broadcast television program, the method comprising: generating an announcement (scrolling ticker region 566 of Figure 9 as described in Col 12 Lines 6-8); delivering said announcement along with the broadcast television program for display on a television screen within a home (picture-in-picture (PIP) region 569 of Figure 9 as described in Col 12 Lines 3-6); and receiving an input from a user that selects a function which corresponds to the delivered announcement (such as "Article Summary" icon 567 as described in Col. 12 Lines 9-29).

See the Final Office Action at page 4. The Examiner relies for support on Figure 9 and col. 12, lines 6-8 of Proehl, which discloses the scrolling ticker region 566. Initially, the Applicant points out that the scrolling ticker region of Proehl is generated at the TV receiver 12 and at the user location. More specifically, the “Home” screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the “HOME” key 308 has been pressed. Furthermore, Proehl discloses that **the blending function 278 is a software program stored in memory and is used to integrate the received signals in a form that can be displayed on the TV 16. The blending function 278 is executed only at the request of a user. In other words, if a user is merely watching a TV show, the blending function 278 and the decimating procedure are not executed. However, if the user requests a GUI (e.g., by pressing the “HOME” key 308 and triggering Home screen 550 functionalities), both the blending function and the decimation process may be executed.** See Proehl at FIG. 2C and col. 9, lines 8-28. Therefore, **all of the Home screen 550 functionalities, including the ticker 566 and the picture-in-picture 569, are all generated by the blending function 278 within the receiver 12, i.e., at the user’s location and at the users request.** In this regard, Proehl does not disclose or suggest at least the limitation of “generating, remotely from a user’s home, an announcement,” as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1. As explained above, the “Home” screen functionalities 550, including the scrolling ticker region, illustrated in Figure 9 of Proehl are displayed only after the “HOME” key 308 has been pressed. In this regard, the scrolling ticker region is only displayed based on an input from the user. Therefore, the Applicant maintains that Proehl does not disclose or suggest at least the limitation of “wherein said announcement is displayed on said television screen without any input from said user,” as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Proehl and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

The Applicant also maintains the arguments related to the dependent claims, stated in page 21 of the April 21, 2008 response.

### **III. Conclusion**

The Applicant respectfully submits that claims 1-31 of the present application should be in condition for allowance at least for the reasons discussed above and request that the outstanding rejections be reconsidered and withdrawn. The Commissioner is authorized to charge any necessary fees or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 23-JUN-2008

By:           /Ognyan I. Beremski/            
Ognyan Beremski, Reg. No. 51,458  
Attorney for Applicant

McANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
Telephone: (312) 775-8000  
Facsimile: (312) 775 – 8100  
(OIB)